Office of the Information and
Privacy Commissioner of Alberta

PERSONAL INFORMATION PROTECTION ACT
Breach Notification Decision

Organization providing notice under section 34.1 of PIPA	Chamberlain Group, Inc. (Organization)
Decision number (file number)	P2019-ND-009 (File #010857)
Date notice received by OIPC	November 26, 2018
Date Organization last provided information	November 26, 2018
Date of decision	February 4, 2019
Summary of decision	There is a real risk of significant harm to the individuals affected by this incident. The Organization is required to notify the individuals whose personal information was collected in Alberta, pursuant to section 37.1 of the *Personal Information Protection Act* (PIPA).
JURISDICTION	
Section 1(1)(i) of PIPA "organization"	The Organization is an "organization" as defined in section 1(1)(i)(i) of PIPA.
Section 1(1)(k) of PIPA "personal information"	The following information was involved in this incident: • name, • address, • payment card number, expiry date, and CVV code. This information is about identifiable individuals and is "personal information" as defined in section 1(1)(k) of PIPA. The incident occurred at a call centre in Arizona. The Organization reported the breach included information of residents of Alberta. To the extent this information was collected in Alberta, PIPA applies.
DESCRIPTION OF INCIDENT	
❑ loss ☒ unauthorized access ❑ unauthorized disclosure	
Description of incident	• On October 22, 2018, the Organization discovered that an employee at its call center in Arizona had handled the payment card information of some customers in violation of the Organization's security procedures.

	• The Organization investigated and, on October 29, 2018, discovered a second call center employee had also improperly handled customer payment card information. • The window of time in which one or both of these individuals worked at the call center was October 16, 2017 through October 29, 2018. • The Organization found no information indicating that the employees had actually misused Alberta customers' payment card information, but could not eliminate the possibility. • The employee's suspicious activity was discovered upon conducting a review of payment card handling practices. Visual surveillance showed the employees copying down customer payment card information.
Affected individuals	The Organization reported there were 4 affected individuals.
Steps taken to reduce risk of harm to individuals	• Conducted an investigation. • The employees are no longer employed with the Organization and were reported to law enforcement. • Reported incident to payment card companies. • Offered affected Alberta residents an identity theft protection product. • Reviewing security policies to identify areas for improvement. • Looking into opportunities for additional training to prevent a recurrence.
Steps taken to notify individuals of the incident	Affected individuals were notified by letter sent November 20, 2018.
REAL RISK OF SIGNIFICANT HARM ANALYSIS	
Harm Some damage or detriment or injury that could be caused to the affected individuals as a result of the incident. The harm must also be "significant." It must be important, meaningful, and with non-trivial consequences or effects.	The Organization reported that "A potential risk is that the former call center employees misused Alberta customers' payment card information, for example, by using the information to make an unauthorized purchase, and that a customer might be held responsible for that purchase." I agree with the Organization's assessment. The financial information could be used to make unauthorized purchases, and to cause the significant harms of identity theft, and fraud.
Real Risk The likelihood that the significant harm will result must be more than mere speculation or conjecture. There must be a cause and effect relationship between the incident and the possible harm.	The Organization reported that it "…found no information indicating that these former call center employees had actually misused Alberta customers' payment card information, but …could not eliminate that possibility." The Organization also said "We think the risk is very low. Even if there were unauthorized purchases, the relevant payment card companies …have committed to protect card users against financial loss for unauthorized transactions."

	In my view, a reasonable person would consider the likelihood of harm resulting from this incident is increased as the breach was the result of deliberate action (rogue employee copying down personal information) and was potentially at risk for over a year. The Organization did not report on any efforts to ensure all information was recovered, or to confirm that it had not been used or further disclosed. The Organization can only speculate that affected individuals may not be held responsible for any credit card fraud and misuse. Even if this were the case, it does not necessarily mitigate the potential harm from identity theft or other forms of fraud.

DECISION UNDER SECTION 37.1(1) OF PIPA

Based on the information provided by the Organization and given the circumstances of the incident, I have decided that there is a real risk of significant harm to the affected individuals as a result of this incident.

The financial information could be used to make unauthorized purchases, and to cause the significant harms of identity theft, and fraud. A reasonable person would consider the likelihood of harm resulting from this incident is increased as the breach was the result of deliberate action (rogue employee copying down personal information) and was potentially at risk for over a year. The Organization did not report on any efforts to ensure all information was recovered, or to confirm that it had not been used or further disclosed. The Organization can only speculate that affected individuals may not be held responsible for any credit card fraud and misuse. Even if this were the case, it does not necessarily mitigate the potential harm from identity theft or other forms of fraud.

I require the Organization to notify the affected individuals in Alberta in accordance with section 19.1 of the *Personal Information Protection Act Regulation* (Regulation). I understand the affected individuals were notified by letter sent November 20, 2018. The Organization is not required to notify the affected individuals again.

Jill Clayton
Information and Privacy Commissioner